

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

John Lamar Barnes,
Plaintiff

Case No. C-1-02-101

vs

Ohio Department of Rehabilitation
and Correction, et al.,
Defendants

**ORDER DENYING PLAINTIFF'S
MOTION FOR APPOINTMENT
OF COUNSEL**
(Spiegel, J.; Perelman, M.J.)

Now before the Court is plaintiff's motion for appointment of counsel. (Doc. 69). The law does not require the appointment of counsel for indigent plaintiffs in cases such as this, *see Lavado v. Keohane*, 992 F.2d 601, 604-05 (6th Cir. 1993), nor has Congress provided funds with which to compensate lawyers who might agree to represent those plaintiffs. The appointment of counsel in a civil proceeding is not a constitutional right and is justified only by exceptional circumstances. *Id.* at 605-06. Moreover, there are not enough lawyers who can absorb the costs of representing persons on a voluntary basis to permit the Court to appoint counsel for all who file cases on their own behalf. The Court makes every effort to appoint counsel in those cases which proceed to trial, and in exceptional circumstances will attempt to appoint counsel at an earlier stage of the litigation. No such circumstances appear in this case. Therefore, plaintiff's motion for appointment of counsel is **DENIED**.

IT IS SO ORDERED.

Date: 2/23/2004

s/David S. Perelman
David S. Perelman
United States Magistrate Judge